



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re Application of: Newton Howard : Batch No.
: :
: :
Serial No.: 09/924,885 : Art Unit: 2683
: :
Filed: August 8, 2001 : Examiner: NGUYEN, Joseph D.

Title: WIRELESS NETWORK

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY
ABANDONED PATENT APPLICATION UNDER 37 CFR 1.137(b)**

Mail Stop Petition

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant, through the undersigned, timely files this Petition for revival of this application, which appears to have become abandoned for failure to file a timely and proper reply to the non Final Office Action dated March 17, 2004. This Petition is accompanied by the reply to the outstanding Office Action, the petition fee as set forth in 37 C.F.R. § 1.17(m), and Applicant's statement that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional. In further support of this petition, Applicant submits the following remarks in compliance with the requirements of 37 CFR §1.137(b):

1. Petition Fee:

The fee for filing this petition for the revival of an unintentionally abandoned application is believed to be \$750 (Applicant qualifies for small entity status). Please charge the appropriate fee, including any credit or overpayment, to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 20864.0004). A fee transmittal sheet is enclosed.

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2. Reply

In reply to the non Final Office Action, Applicant submits herewith a response to the non Final Office Action. Applicants believe that the filing of a response to the non Final Office Action satisfies the reply requirement of this petition.

3. Terminal Disclaimer

Applicant believes no terminal disclaimer is required for this petition since this utility application was filed after June 8, 1995.

4. Entire Delay was Unintentional

The entire delay in filing the required reply from the reply due date for the Final Office Action until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional. This petition is filed: (A) within two (2) months of notification of the application's abandonment; and (B) within 1 year of the date of abandonment of the application.

CONCLUSION

Authorization for the fee for this petition is provided above. A fee transmittal sheet is also enclosed. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fees to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 19-5127 (order no. 20864.0004).

Respectfully submitted,
SWIDLER BERLIN LLP

Dated: June 14, 2005

By: 

Chadwick A. Jackson, Registration No. 46,495
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	28	Application Number	09/924,885
		Filing Date	August 8, 2001
		First Named Inventor	Newton Howard
		Art Unit	2683
		Examiner Name	Joseph D. Nguyen
		Attorney Docket Number	20864.0004

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form & duplicate <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request & duplicate <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53	<input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Patent Application Under 37 CFR 1.137(b) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Swidler Berlin LLP 3000 K Street, N.W., Suite 300 Washington, D.C. 20007		
Signature			
Printed Name	Chadwick A. Jackson		
Date	June 14, 2005	Reg. No.	46,495

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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